



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 22 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Matthew Crocker, Refinery Manager
Exxon Mobil Corporation, Baytown Refinery
PO Box 4004
Baytown, TX 77522-4004

Re: Requirement to Provide Information Pursuant to Section 114 of the Clean Air Act

Dear Mr. Crocker:

The enclosed information request is being issued to you pursuant to Section 114 of the Clean Air Act ("CAA"), 42 U.S.C. § 7414. The Environmental Protection Agency ("EPA") is seeking information concerning compliance with applicable state and federal requirements under the CAA at the Exxon Mobil Corporation, Baytown Refinery located at 2800 Decker Dr. in Baytown, TX. The CAA requirements include the Standards of Performance for New Stationary Sources for Storage Vessels found at 40 C.F.R. Part 60, subparts K, Ka and Kb, the National Emission Standards for Hazardous Air Pollutant Emissions from Petroleum Refineries found at 40 C.F.R. Part 63, subpart CC, the Texas State Implementation Plan ("SIP") requirements for Storage of Volatile Organic Compounds ("VOC") found at Title 30 of the Texas Administrative Code ("30 TAC"), Chapter 115, Subchapter B, Division 1, and the Texas SIP requirements for Control of Air Pollution by Permits for New Construction or Modification found at 30 TAC, Chapter 116.

Under Section 114 of the CAA, EPA is authorized to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CAA have occurred. In accordance with this authority, you are hereby served the enclosed Information Request, and required to provide the requested responses and documents within 30 days of receipt of this Request. See Enclosures 1, 2 and 3 for the instructions, definitions, and Information Requests. In addition, sign and return the Statement of Certification, see Enclosure 4, with the response to this Information Request.

You must submit your full response to:

Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement
1200 Pennsylvania Ave, NW
MC 2242A
Washington, DC 20460 (mail) or 20004 (courier)
Attn: Daniel Hoyt, Stationary Source Enforcement Branch

Failure to provide the required information in a timely manner may lead to a civil action to obtain compliance or to recover a civil penalty in accordance with Section 113 of the CAA, 42 U.S.C. § 7413. EPA also has authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification. Even if you fully comply with this letter, you may still be subject to administrative, civil, or criminal action as provided by the CAA.

You are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b). Any such confidential business information (“CBI”) claim must be made in accordance with the procedures described at 40 C.F.R. § 2.203(b) and Enclosure 5. Note that emissions data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, is not entitled to confidential treatment. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

EPA further wishes to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. This letter serves as notice to Exxon Mobil Corporation, pursuant to 40 C.F.R. § 2.301(h)(2)(iii), of this contemplated disclosure. The contractor is Eastern Research Group (ERG), the contract number is EP-W-09-033 and the information will be disclosed to the contractor for assistance in technical review, analysis, and evaluation. Exxon Mobil Corporation may submit any comments to EPA as part of its response to this Information Request as to the contemplated disclosure.

Any technical questions regarding this Information Request should be directed to Daniel Hoyt, Environmental Engineer, at (202) 564-7898. For legal matters, contact Robert Klepp, Attorney-Advisor, at (202) 564-5805.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip A. Brooks", is written over the typed name.

Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

Enclosures

ENCLOSURE 1

A. **INSTRUCTIONS:**

- 1) Please provide a separate narrative response to each Information Request and subpart of an Information Request set forth in Enclosure 2 of this Information Request and precede each answer with the number of the Information Request to which it corresponds.
- 2) For each Information Request, identify each person responding on your behalf, as well as each person consulted in the preparation of a response.
- 3) For each Information Request, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the Information Request, and provide a true and correct copy of each such document if not provided in response to another specific Information Request. Indicate on each document produced in response to this Information Request the number of the Information Request to which it corresponds.
- 4) If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
- 5) Requested information can be submitted in electronic form, if applicable.
- 6) Sign, date, and return Enclosure 4 (Statement of Certification) with the response to the Information Requests in Enclosure 2.

For purposes of this Information Request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

B. **DEFINITIONS:**

- 1) "Current condition" means the actual condition or state of the storage tank, its floating roof, including seals and fittings, and/or the material contained within it, with regard to appearance, content and/or working order, within two weeks after the "date of receipt" of this Information Request.
- 2) "Date of receipt" means the date documented on a certified mail return receipt green card that was attached to this Information Request upon delivery.
- 3) "Document(s)" means written data, information, and documentation of any kind, including documentation solely in electronic form, e.g., email, and email attachments. It includes any document in the possession or control of any person or entity hired by company name. A

true and correct copy of a document rather than the original may be provided.

- 4) "Hazardous Air Pollutants" or "HAP" means any air pollutant listed in or pursuant to section 112(b) of the CAA.
- 5) "Person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 6) The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
- 7) "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, except those compounds specifically excluded by the definition found at 40 C.F.R. §51.100(s).
- 8) The terms "you" or "your," as used above and in each Information Request set forth in Enclosure 2 of this Information Request, refer to, and shall mean, Exxon Mobil Corporation, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

ENCLOSURE 2

INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide a separate numbered response to each numbered paragraph or subparagraph below. If information required to respond to an Information Request has already been provided in response to another Information Request, you need not duplicate the information but must clearly identify it and cross-reference the other response. If Exxon Mobil Corporation does not have requested information or documents for any Information Request, please clearly state this in your response.

1. Provide a table in electronic spreadsheet format with one row for each of the 35 tanks labeled 1(A) through 35(H), located in Tank Areas A through H, as depicted in Figures 1 through 9 of Enclosure 3, approximately located at the longitude and latitude noted in Tables 1 through 8 of Enclosure 3. Each of the following data elements shall be provided in one or more separate column of the table:
 - a. The unique identification numbers for each tank, used for Texas permitting under Title 30 of the Texas Administrative Code (30 TAC), Chapter 116, such as the facility identification number (FIN) and the emissions point number (EPN). Also provide in a separate column, the unique identification number for each tank, used for Texas permitting under 30 TAC, Chapter 122, if different.
 - b. The maximum storage capacity and/or maximum working volume of each tank in gallons.
 - c. The tank diameter in feet.
 - d. The descriptive names of the materials stored in each tank from January 1, 2011, until the "date of receipt" of this Information Request. If more than one material has been stored in a tank during the designated time period, provide the descriptive names for each material, and identify the specific dates that each material was stored in the tank.
 - e. The net throughput in gallons per year for calendar years 2011, 2012, 2013, 2014, and 2015, for each material stored in each tank during the designated time period. Use a separate column for each year.
 - f. The annual average total organic hazardous air pollutant ("HAP") liquid concentration in weight percent of the material stored in each tank for calendar years 2011, 2012, 2013, 2014, and 2015. Use a separate column for each year.
 - g. The basis of each HAP liquid concentration estimate provided in response to Information Request 1.f. If the basis of the HAP liquid concentration estimate is sample analysis using any standard reference methodology, include the reference for each standard method that was used and separately provide a copy of the most recent sample analysis results report. Otherwise, separately provide data, assumptions, and procedures used in the determination of the HAP liquid concentration estimate.
 - h. The maximum true vapor pressure of each VOC material, volatile organic liquid ("VOL") and/or petroleum liquid stored in each tank during the designated time period in pounds per square inch absolute (psia).
 - i. The basis of each vapor pressure estimate provided in response to Information Request 1.h. If the basis of the vapor pressure estimate is sample analysis using any standard reference methodology, include the reference for each standard method that was used and

separately provide a copy of the most recent results report. If the basis of the vapor pressure estimate is a calculation, separately provide calculation descriptions and examples including values for each coefficient, variable and/or constant used in the calculation.

- j. The maximum temperature in degrees Fahrenheit associated with the maximum true vapor pressure provided in response to Information Request 1.h. for each material stored in each tank during the designated time period.
 - k. The permit numbers and dates of issuance, renewal, amendment and/or alteration, for the Texas permits issued under 30 TAC, Chapter 116 that have covered or otherwise authorized each tank as a source of emissions, from 2011 until the "date of receipt" of this Information Request. If more than one permit issued under 30 TAC, Chapter 116 has covered or otherwise authorized the tank as a source of emissions during the designated time period, identify the specific dates that each permit covered or otherwise authorized the tank as an emissions source. If any tanks were covered or otherwise authorized as an emissions source by a permit by rule (PBR) in lieu of a permit issued under 30 TAC, Chapter 116 during the designated time period, include the PBR registration number (if applicable) and/or the specific PBR claimed.
 - l. The permit numbers and dates of issuance, renewal and/or modification, for the Texas permits issued under 30 TAC, Chapter 122 that have covered or otherwise authorized operation of each tank, from 2011 until the "date of receipt" of this Information Request. If more than one permit issued under 30 TAC, Chapter 122 has covered or otherwise authorized operation of the tank during the designated time period, identify the specific dates that each permit covered or otherwise authorized operation of the tank.
 - m. For each tank, provide the VOC emissions records required by applicable permit or permit by rule (PBR) recordkeeping conditions in tons per year (tpy) for calendar years 2011, 2012, 2013, 2014, and 2015. Use a separate column for each time period.
 - n. For each external floating roof tank, identify the type of primary rim seal and type of secondary seal, if present.
 - o. For each external floating roof tank, provide the paint condition used for each emissions estimation associated with the response to Information Request 1.m. If different paint condition values were used, report each different paint condition that was used and indicate the applicable time periods.
- 2. Provide copies of each permit listed in response to Information Requests 1.k. and 1.l., and each PBR registration response from TCEQ for each PBR registration listed in response to Information Request 1.k.
 - 3. Provide copies of all permit applications and/or PBR registration applications that have been submitted to TCEQ that represent any authorized emissions associated with deposits and/or accumulation of the stored material on the roof for any of the EFR tanks, labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3. Provide a list of the permit or PBR registration numbers, the date the application was submitted to TCEQ and the specific page numbers for each representation of authorized emissions associated with deposits and/or accumulation of the stored material on the roof for any of the EFR tanks.

4. Provide copies of all permit applications and/or PBR registration applications that have been submitted to TCEQ that represent any authorized emissions associated with the accumulation of VOC on the top-most liquid surface layer for any of the open-top tanks, labeled 27(F), 28(F) and 29(F), located in Tank Area F, as depicted in Figures 1 and 7, in Enclosure 3. Provide a list of the permit or PBR registration numbers, the date the application was submitted to TCEQ and the specific page numbers, for each representation of authorized emissions associated with accumulation of VOC on the top-most liquid surface layer for any of the open-top tanks.
5. Provide all records associated with deposits and/or accumulation of the stored material on the roof for any of the EFR tanks, labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3 that occurred between January 1, 2011, and the “date of receipt” of this Information Request, including but not limited to emissions event final records required by 30 TAC §101.201(b) for any unauthorized emissions.
6. Provide all records associated with accumulation of VOC on the top-most liquid surface layer for any of the open-top tanks, labeled 27(F), 28(F) and 29(F), located in Tank Area F, as depicted in Figures 1 and 7, in Enclosure 3, between January 1, 2011, and the “date of receipt” of this Information Request, including but not limited to emissions event final records required by 30 TAC §101.201(b) for any unauthorized emissions that occurred.
7. Provide an estimate of VOC emissions from deposits and/or accumulation of the stored material on the roof for the EFR tanks, labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3, in tpy for calendar years 2011, 2012, 2013, 2014, and 2015.
8. Provide an estimate of VOC emissions from accumulation of VOC on the top-most liquid surface layer for the open-top tanks, labeled 27(F), 28(F) and 29(F), located in Tank Area F, as depicted in Figures 1 and 7, in Enclosure 3, in tpy for calendar years 2011, 2012, 2013, 2014, and 2015.
9. For each emissions event identified in the final records provided in response to Information Requests 5 and 6, if all of the criteria in 30 TAC §101.222(b) have been met, provide documents and records that demonstrate each criterion in 30 TAC §101.222(b) has been met.
10. Provide copies of all secondary seal gap inspection records required by 30 TAC §§115.114(a)(2), 115.114(a)(4) and 115.118(a)(3) that occurred between January 1, 2011, and the “date of receipt” of this Information Request for the EFR tanks labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3.
11. Provide copies of all primary and secondary seal gap inspection records required by 40 C.F.R. §§63.120(b), 63.123(d) and 63.646(a) that occurred between January 1, 2011 and the “date of receipt” of this Information Request for the EFR tanks labeled 1(A) through 26(E),

and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3.

12. Provide copies of all primary and secondary seal gap inspection records required by Special Condition 14.D. of TCEQ Flexible Permit Numbers 18287 and PSD-TX-730M4/PAL Permit, 40 C.F.R. §60.113a(a)(1), and/or 40 C.F.R. §§60.113b(b) and 60.115b(b)(3) that occurred between January 1, 2011 and the “date of receipt” of this Information Request for the EFR tanks labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3.
13. Provide copies of the most recent API 652 inspection report for the EFR tanks labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3.
14. For each open-top tank labeled 27(F), 28(F) and 29(F), located in Tank Area F, as depicted in Figures 1 and 7, in Enclosure 3, provide a description of each tank describing how it is used in relation to any associated process equipment, and the character and quantity of its emissions, if any. Also provide a copy of the most recent sample analysis speciation results for each open-top tank, if any samples have been collected and analyzed for speciation from any of the tanks since January 1, 2011.
15. Provide maintenance and repair records and related documents including work orders that document issues and deficiencies associated with deposits and/or accumulation of the stored material on the roof for the EFR tanks, labeled 1(A) through 26(E), and 30(G) through 35(H), located in Tank Areas A through E, G and H, as depicted in Figures 1 through 6, 8 and 9, in Enclosure 3, since January 1, 2011.
16. Provide photographs that document the “current condition” of the external floating roof deck surface of each EFR tank, and the liquid surface layer of each open-top tank, for the 35 tanks labeled 1(A) through 35(H), located in Tank Areas A through H, as depicted in Figures 1 through 9, in Enclosure 3. Include the date and time, and the approximate square footage depicted, for each photo. For each tank include multiple photos as necessary to document the “current condition” of the entire roof deck area for the EFR tanks, and the entire liquid surface area for the open-top tanks.

ENCLOSURE 3
FIGURES AND TABLES

Figure 1

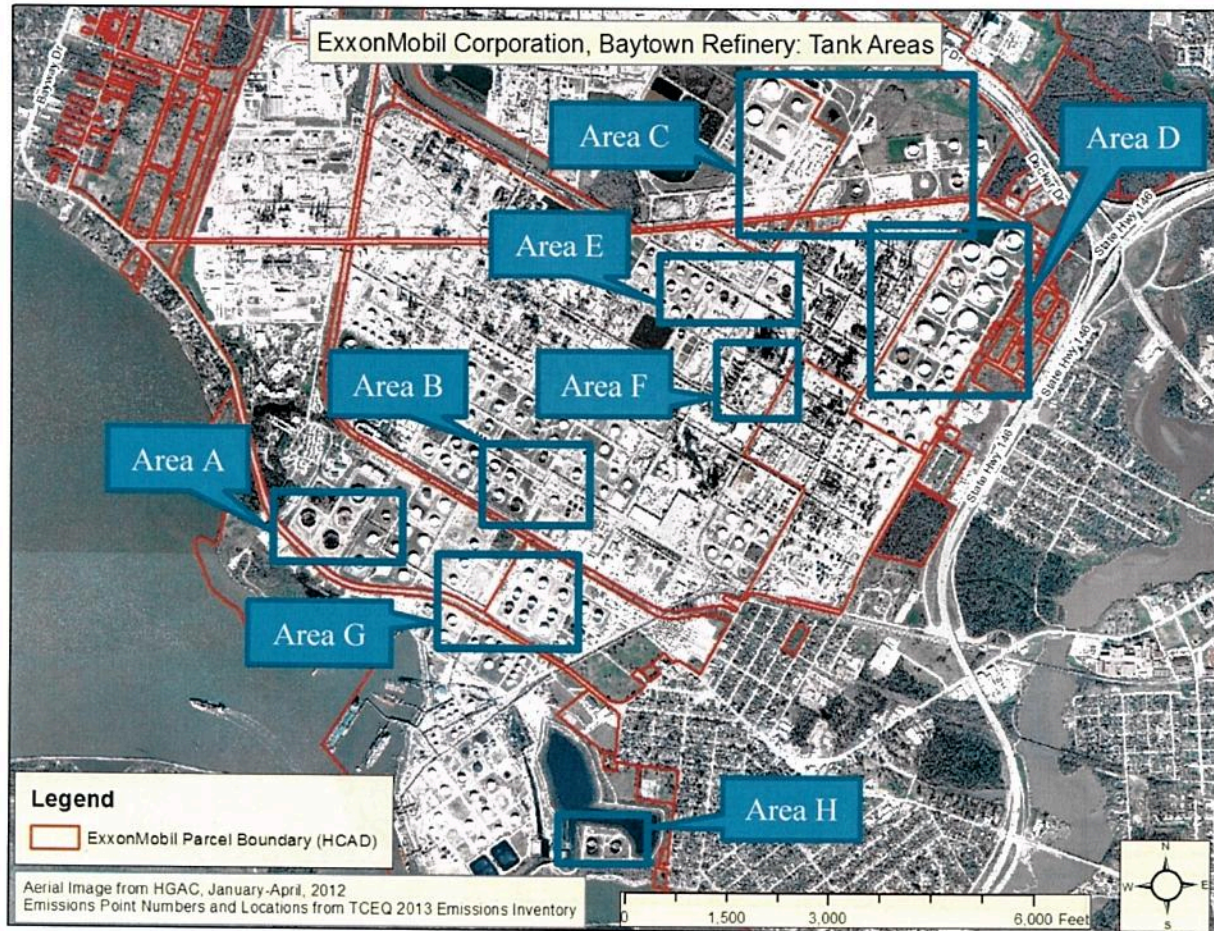


Figure 2

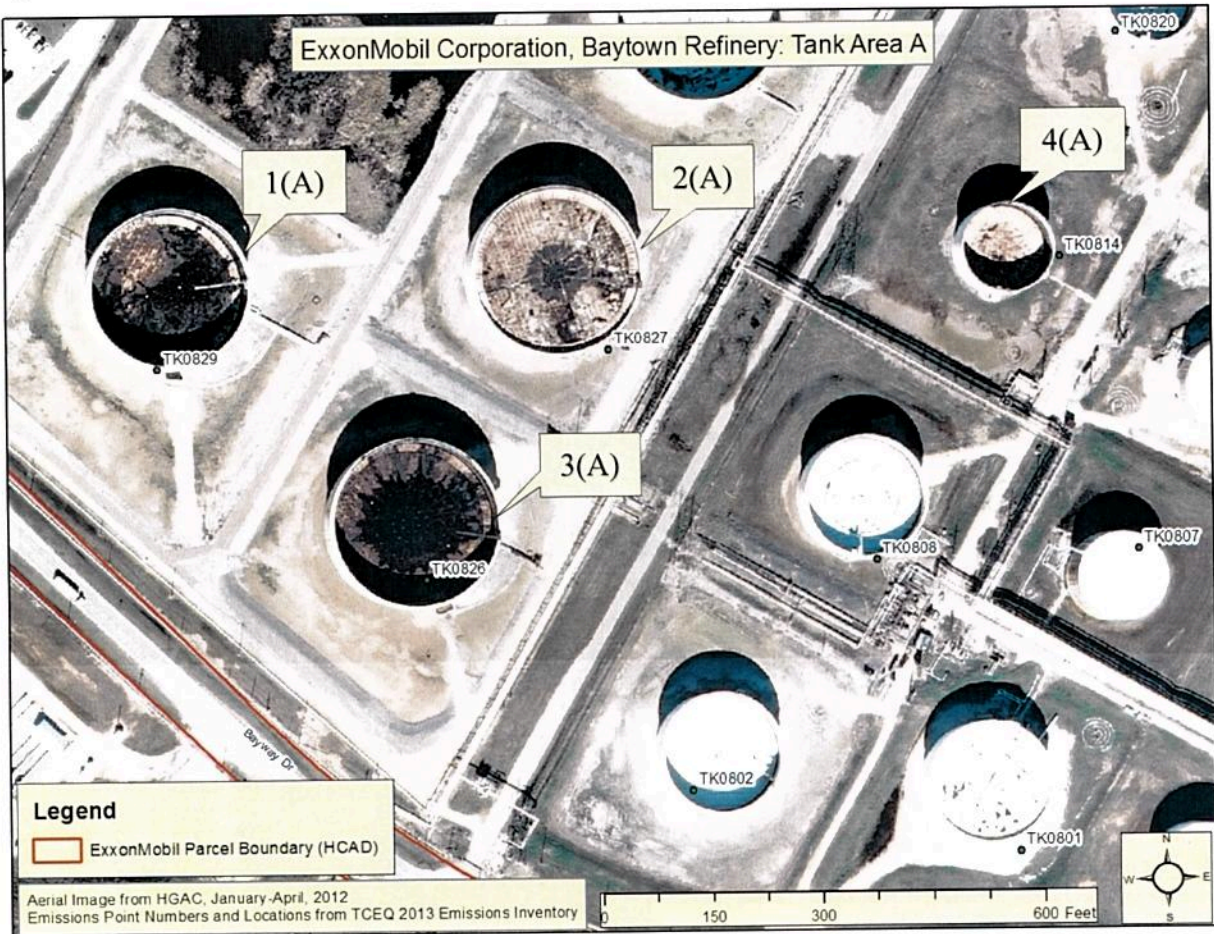


Table 1

Tank No.(Area)	Latitude	Longitude	TCEQ Emissions Inventory Information
1(A)	29° 44.236'	-95° 1.430'	TK0829
2(A)	29° 44.236'	-95° 1.329'	TK0827
3(A)	29° 44.179'	-95° 1.369'	TK0826
4(A)	29° 44.237'	-95° 1.215'	TK0814

Figure 3

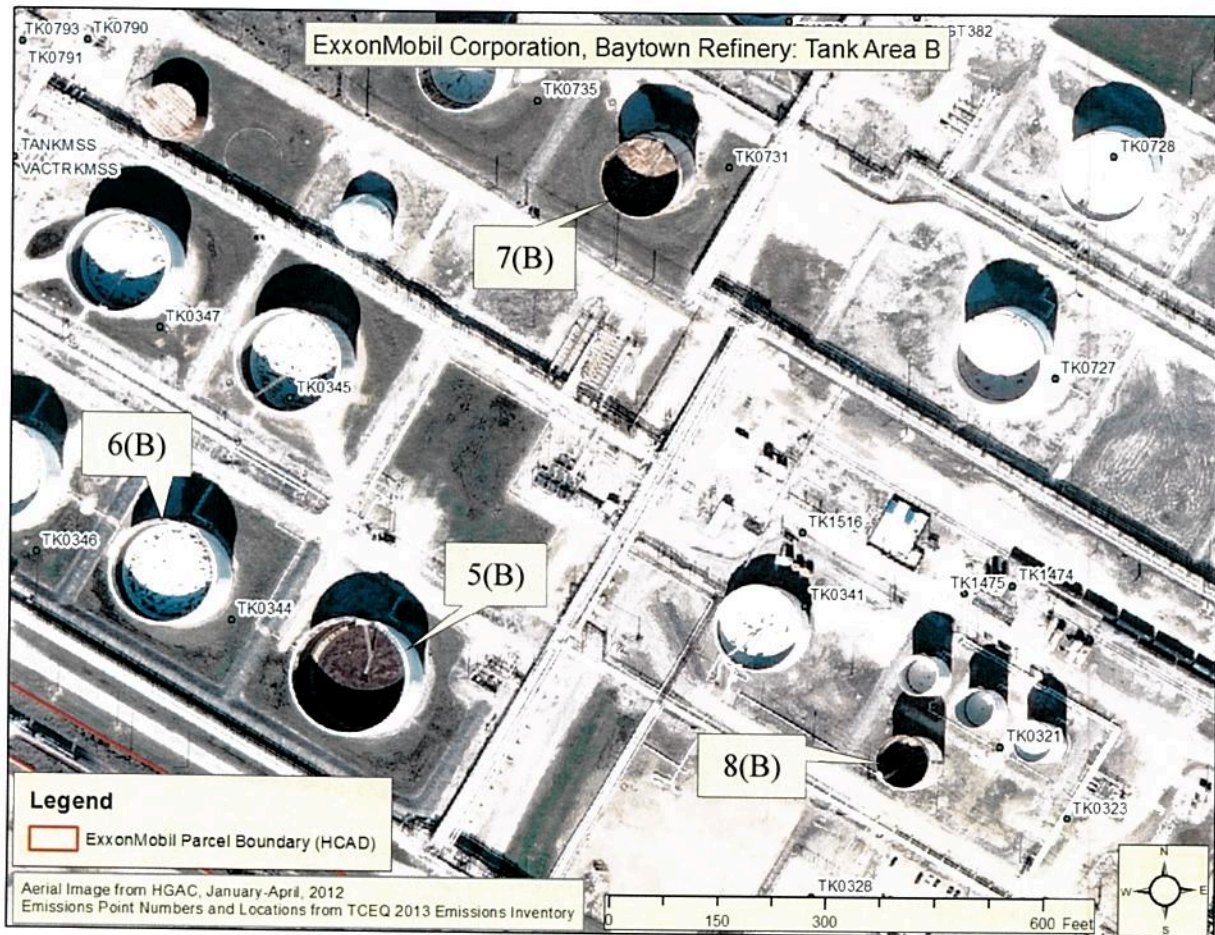


Table 2

Tank No.(Area)	Latitude	Longitude	Emissions Inventory Information
5(B)	29° 44.254'	-95° 0.853'	Uncertain (possibly next to TK0344)
6(B)	29° 44.279'	-95° 0.900'	Uncertain (possibly TK0344)
7(B)	29° 44.366'	-95° 0.773'	Uncertain (possibly TK0731)
8(B)	29° 44.232'	-95° 0.709'	Uncertain (possibly next to TK0341)

Figure 4

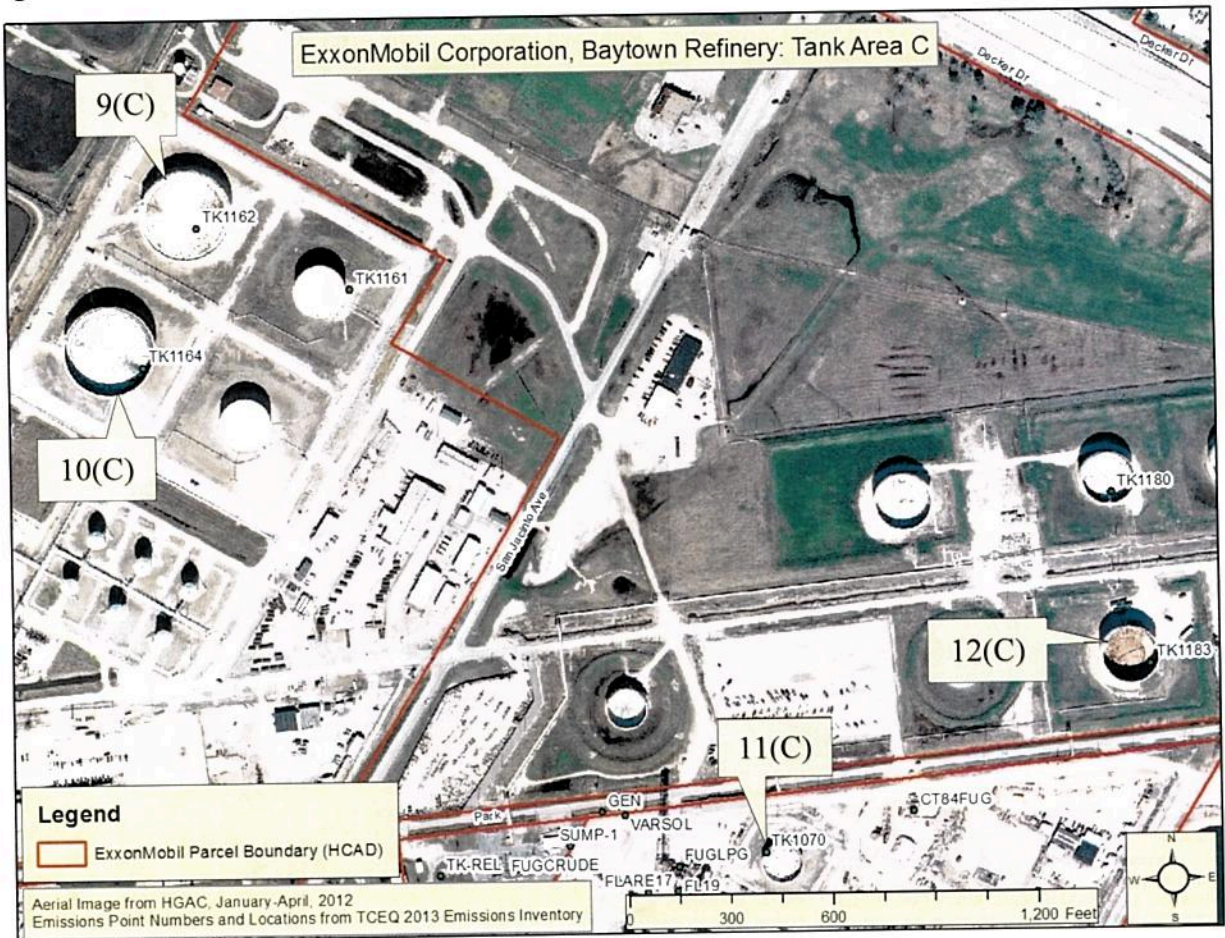


Table 3

Tank No.(Area)	Latitude	Longitude	Emissions Inventory Information
9(C)	29° 45.242	-95° 0.107'	TK1162
10(C)	29° 45.178'	-95° 0.152'	TK1164
11(C)	29° 44.916'	-94° 59.793'	TK1070
12(C)	29° 45.007'	-94° 59.596'	TK1183

Figure 5

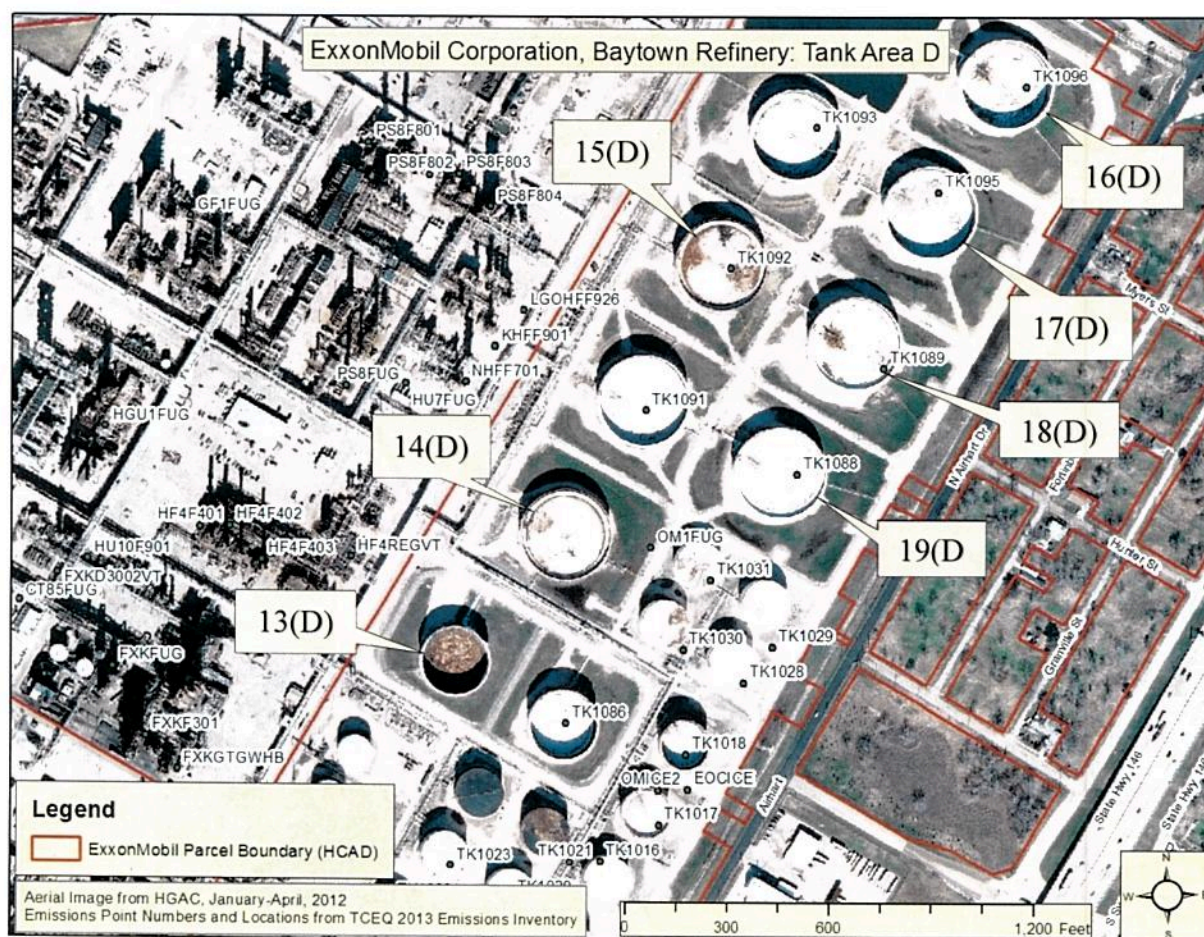


Table 4

Tank No.(Area)	Latitude	Longitude	Emissions Inventory Information
13(D)	29° 44.586'	-94° 59.763'	Uncertain (next to TK1086)
14(D)	29° 44.641'	-94° 59.700'	Uncertain (next to TK1091)
15(D)	29° 44.770'	-94° 59.605'	TK1092
16(D)	29° 44.855'	-94° 59.444'	TK1096
17(D)	29° 44.792'	-94° 59.488'	TK1095
18(D)	29° 44.731'	-94° 59.533'	TK1089
19(D)	29° 44.669'	-95° 59.575'	TK1088

Figure 6

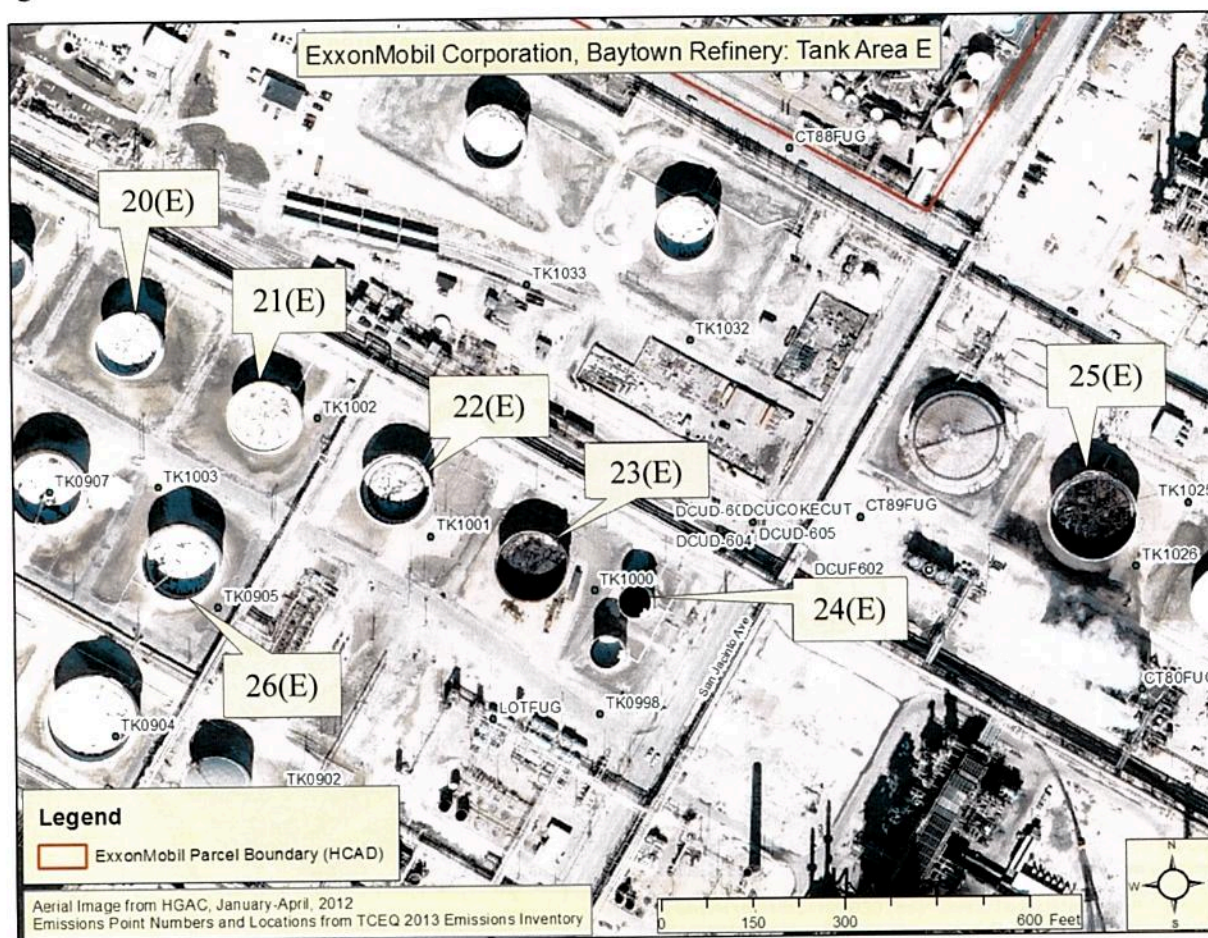


Table 5

Tank No.(Area)	Latitude	Longitude	Emissions Inventory Information
20(E)	29° 44.808'	-95° 0.374'	Uncertain (possibly TK1003)
21(E)	29° 44.786'	-95° 0.334'	Uncertain (possibly TK1002)
22(E)	29° 44.765'	-94° 0.294'	Uncertain (possibly TK1001)
23(E)	29° 44.742'	-94° 0.254'	Uncertain (possibly TK1000)
24(E)	29° 44.731'	-94° 0.222'	Uncertain
25(E)	29° 44.749'	-94° 0.080'	Uncertain (possibly TK1025 or TK1026)
26(E)	29° 44.748'	-94° 0.362'	Uncertain (possibly TK0905)

Figure 7



Table 6

Tank No. (Area)	Latitude	Longitude	Emissions Inventory Information
27(F)	29° 44.488'	-94° 0.233'	Uncertain
28(F)	29° 44.507'	-94° 0.219'	Uncertain
29(F)	29° 44.593'	-94° 0.125'	Uncertain

Figure 8

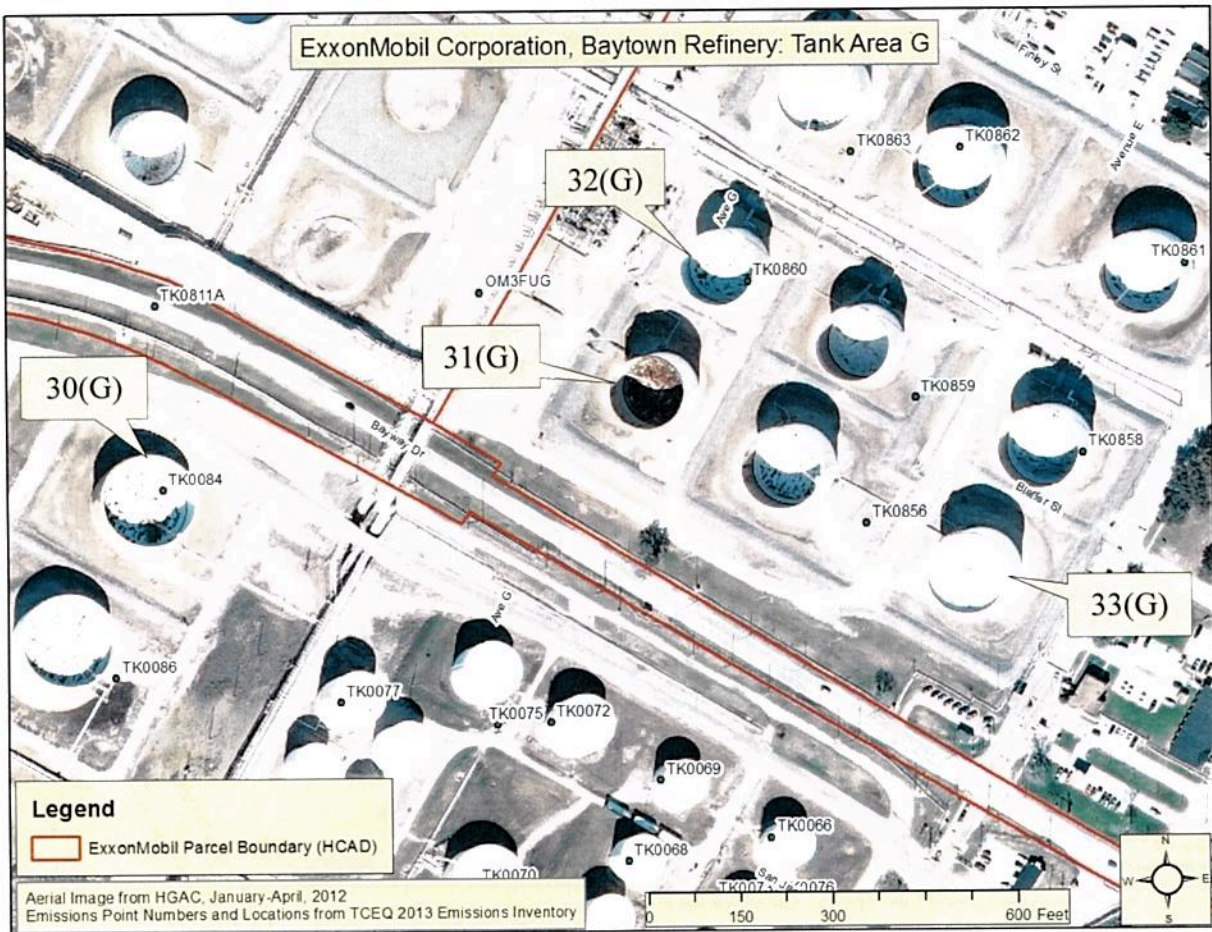


Table 7

Tank No. (Area)	Latitude	Longitude	Emissions Inventory Information
30(G)	29° 43.982'	-95° 1.039'	TK0084
31(G)	29° 44.007'	-95° 0.882'	Uncertain
32(G)	29° 44.039'	-95° 0.859'	TK0860
33(G)	29° 44.953'	-95° 0.787'	Uncertain

Figure 9



Table 8

Tank No. (Area)	Latitude	Longitude	Emissions Inventory Information
34(H)	29° 43.424'	-95° 0.668'	Uncertain
35(H)	29° 43.418'	-95° 0.600'	TK0048

ENCLOSURE 4

EPA - Headquarters
1200 Pennsylvania Avenue, NW
Washington, DC 20460

IN THE MATTER OF:

COMPANY NAME

Respondent

STATEMENT OF CERTIFICATION

I, _____, being first duly sworn, hereby certify that the enclosed response to the Information Request in the above-captioned matter is true, accurate, and complete. I certify that the portions of this response which I did not personally prepare were prepared by persons acting on behalf of the Respondent, under my supervision and at my instruction, and that the information provided is true, accurate, and complete. I make this certification both on my own behalf, and on behalf of the Respondent, as its authorized representative.

Dated: _____

Signature: _____

Printed Name: _____

Title: _____

SUBSCRIBED and SWORN to this _____ day of _____, 2016.

NOTARY PUBLIC in and for the State

Of _____

Residing at _____

My Commission expires _____

ENCLOSURE 5

Confidential Business Information Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret” or “proprietary” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to the EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, the EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information. If you receive such a letter, the EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. §2.204(e):

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, until a certain date, until the

occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

- (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;
- (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and
- (C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Please also note that broad, non-specific CBI claims will likely result in an immediate request from EPA for substantiation.

